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October 10, 2024

**By ECF**

Honorable Alvin K. Hellerstein  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Perkins v. City of New York, et al  
18 Civ. 6397 (AKH)

Your Honor:

I represent defendants the City of New York, Eddy, and Nembhard in the above-referenced matter. Defendants write jointly with plaintiff to respectfully request an adjournment of trial. This is the parties' first such request.

By way of background, trial was originally scheduled to begin on October 7, 2024 (ECF No. 67). On August 22, 2024, defendants filed a fully dispositive motion for summary judgment (ECF No. 68). On August 28, 2024, plaintiff requested an extension of time to respond to defendants' motion (ECF No. 72). The same day, the Court granted plaintiff's request and adjourned trial to December 2, 2024 (See Docket Entry Dated August 28, 2024). The Court also adjourned the final pretrial conference from October 1, 2024, at 10:30 a.m., to November 26, 2024, at 10:30 a.m. (*Id.*). Defendants' motion for summary judgment was fully briefed today (ECF Nos. 79-81).

The parties respectfully request an adjournment of trial for several reasons. First, plaintiff recently suffered a significant and unexpected health incident for which she was hospitalized and is now recovering (which is a new ailment different from that which caused plaintiff's extended hospitalization last summer). Second, adjourning trial would serve the interests of efficiency and judicial economy in light of defendants' pending fully dispositive motion for summary judgment. That is, if the current trial date remains in place the parties will soon be filing a proposed joint pretrial order, motions *in limine*, proposed jury charges, a proposed verdict form, and proposed *voir dire*. Almost all of these filings will be materially affected if the Court grants defendants' motion for summary judgment in part and mooted altogether if defendants' motion is granted in full. As such, the parties agree and respectfully submit that it makes sense to adjourn trial to allow plaintiff time to continue her recovery, the Court time to rule on defendants' motion, and, in the

Request for adjournment is denied. The pending motion has been denied, as of this date. There is no substantial showing of a need for adjournment.  
10-15-24  
*[Signature]*

event any of plaintiff's claims survive, the parties time to submit pretrial filings in accordance with the Court's decision.

Accordingly, the parties respectfully request that the Court adjourn trial from December 2, 2024, to a later date sufficiently far out to allow the Court time to rule on defendants' motion for summary judgment and, in the event any of plaintiff's claims survive, for the parties to brief motions *in limine* and submit pretrial filings in accordance with the Court's decision. Should the Court grant the parties' request, the parties respectfully request a corresponding adjournment of the final pretrial conference currently scheduled for November 26, 2024, at 10:30 a.m.

Thank you for your time and consideration.

Respectfully,

/s/ Zachary Kalmbach

Zachary Kalmbach

Senior Counsel

cc: Via ECF  
All counsel of record